

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1277 be amended to read as follows:

- 1 Page 6, between lines 27 and 28, begin a new paragraph and insert:
- 2 "SECTION 8. IC 13-18-22-5, AS ADDED BY P.L.282-2003,
- 3 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 5. (a) The rules adopted under section 3 of this
- 5 chapter:
- 6 (1) must require that the applicant demonstrate, as a prerequisite
- 7 to the issuance of the permit, that wetland activity:
- 8 (A) is reasonably necessary or appropriate to achieve a
- 9 legitimate use proposed by the applicant on the property on
- 10 which the wetland is located; and
- 11 (B) for a Class III wetland, is without practical alternative and
- 12 will be accompanied by taking steps that are practicable and
- 13 appropriate to minimize potential adverse impacts of the
- 14 discharge on the aquatic ecosystem of the wetland;
- 15 (2) except as provided in subsection (c), must establish that
- 16 compensatory mitigation will be provided as set forth in section 6
- 17 of this chapter to reasonably offset the loss of wetlands allowed
- 18 by the permits; and
- 19 (3) may prescribe additional conditions that are reasonable and
- 20 necessary to carry out the purposes of this chapter.
- 21 (b) The rules adopted under section 4 of this chapter must require,
- 22 as a prerequisite to the applicability of the general permit by rule to a
- 23 specific wetland activity, that the person proposing the discharge
- 24 submit to the department a notice of intent to be covered by the general

1 permit by rule that:  
 2 (1) identifies the wetlands to be affected by the wetland activity;  
 3 and  
 4 (2) except as provided in subsection (c), provides a compensatory  
 5 mitigation plan as set forth in section 6 of this chapter to  
 6 reasonably offset the loss of wetlands allowed by the general  
 7 permit.  
 8 (c) Under subsections (a) and (b), the rules adopted under sections  
 9 3 and 4 of this chapter may provide for exceptions to compensatory  
 10 mitigation in specific, limited circumstances.  
 11 ~~(d) For purposes of subsection (a)(1)(A):~~  
 12 ~~(1) a resolution of the executive of the county or municipality in~~  
 13 ~~which the wetland is located; or~~  
 14 ~~(2) a permit or other approval from a local government entity~~  
 15 ~~having authority over the proposed use of the property on which~~  
 16 ~~the wetland is located;~~  
 17 ~~that includes a specific finding that the wetland activity is reasonably~~  
 18 ~~necessary or appropriate to achieve the intended use of the property is~~  
 19 ~~considered conclusive evidence of that fact."~~  
 20 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1277 as printed January 30, 2004.)

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Representative Pierce